

SB200 ENROLLED



1 SB200
2 SLVGR55-2
3 By Senators Smitherman, Coleman, Hatcher, Figures, Stewart
4 RFD: State Governmental Affairs
5 First Read: 21-Jan-26



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1 Enrolled, An Act,

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4 Relating to the Alabama Office of Minority Affairs; to
5 amend Section 36-13-50, Code of Alabama 1975; to rename the
6 Alabama Office of Minority Affairs the Alabama Office of Civic
7 Engagement; to revise Sections 36-13-51, 36-13-53, 40-9F-38,
8 and 41-1-93, Code of Alabama 1975, to make conforming changes.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 36-13-50, Code of Alabama, is
11 amended to read as follows:

12 "§36-13-50

13 There is established in state government the agency
14 that shall be known as the Alabama Office of ~~Minority~~
15 ~~Affairs~~Civic Engagement, to advise the Governor on issues
16 affecting minorities, including women, focusing on the
17 improvement of the overall quality of life of minorities,
18 specifically in the areas of education, health, economics,
19 political participation and empowerment, housing, employment,
20 civil rights, criminal justice, and race relations and to
21 draft policy recommendations for addressing those issues."

22 Section 2. Sections 36-13-51, 36-13-53, 40-9F-38, and
23 41-1-93, Code of Alabama 1975, are amended to make conforming
24 changes to read as follows:

25 "§36-13-51

26 (a) The office shall be managed by a Director of the
27 Alabama Office of ~~Minority Affairs~~Civic Engagement, who shall
28 be appointed by and serve at the pleasure of the Governor. The



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29 position of director shall be a Governor's cabinet position.

30 (b) The director may employ and prescribe the duties of
31 employees for the office as he or she deems necessary to carry
32 out the duties and functions of the office. All employees of
33 the Governor who work in the ~~Governor's Office of Minority~~
34 ~~Affairs~~Alabama Office of Minority Affairs on ~~July 1,~~
35 ~~2022~~October 1, 2026, shall be transferred to the Alabama
36 Office of ~~Minority Affairs~~Civic Engagement with no loss of
37 compensation or benefits. After ~~July 1, 2022~~October 1, 2026,
38 the compensation of those employees shall be established by
39 the director in an amount that does not exceed the amount of
40 compensation paid to comparable state Merit System
41 classifications. All other employees of the office shall be
42 employed pursuant to the state Merit System.

43 (c) The director shall employ individuals in a manner
44 to assure the office staff is inclusive and reflects the
45 racial, gender, geographic, urban, rural, and economic
46 diversity of the state."

47 "§36-13-53

48 The Advisory Committee on ~~Minority Affairs~~Civic
49 Engagement is created to act as a resource for the director in
50 an advisory capacity. The committee shall be comprised of
51 representatives from various racial and ethnic communities,
52 female representation, state government officials, and experts
53 in education and work force. The committee shall be appointed
54 by and serve at the pleasure of the Governor."

55 "§40-9F-38

56 (a) There is established the Historic Tax Credit



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57 Evaluating Committee, which shall review qualifying projects,
58 approve credits for projects, and rank projects in the order
59 in which the projects should receive tax credit reservations
60 based on criteria established by the commission. The
61 commission shall establish a review cycle for the committee
62 beginning on January 1, 2018, provided that the committee
63 shall meet at least quarterly unless no credits remain to be
64 allocated. The Commissioner of Revenue shall be a nonvoting
65 member of the committee and provide advisory and technical
66 support. The committee shall consist of the following:

67 (1) The Director of the Alabama Office of ~~Minority~~
68 ~~Affairs~~Civic Engagement.

69 (2) The Executive Director of the Alabama Historical
70 Commission.

71 (3) The Finance Director.

72 (4) The Director of the Alabama Department of Economic
73 and Community Affairs.

74 (5) The Secretary of Commerce.

75 (6) Two members of the Alabama House of
76 Representatives, at least one of whom shall be a member of the
77 minority party, to be appointed by the Speaker of the House of
78 Representatives.

79 (7) Two members of the Alabama Senate, at least one of
80 whom shall be a member of the minority party, to be appointed
81 by the President Pro Tempore of the Senate.

82 (8) The Chair of the Senate Finance Taxation Education
83 Committee or his or her designee.

84 (9) The Chair of the House Ways and Means Education



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85 Committee or his or her designee.

86 (b) (1) The Alabama Historical Commission shall adopt
87 rules that shall set forth guidelines to be used by the
88 committee in determining the allocation of credits. The
89 guidelines shall set forth factors to be considered by the
90 committee including all of the following:

91 a. The relative value of the proposed project to the
92 particular community, including the maintenance of the
93 historic fabric of the community.

94 b. The possible return on investment for the community
95 in which the proposed project is located.

96 c. The geographic distribution of projects.

97 d. The likelihood of the project proceeding without the
98 historic tax credit authorized in this article.

99 e. The strength of local support for the proposed
100 project.

101 f. The leveraged investment ratio of the project, as
102 determined by the total project investment divided by the
103 amount of tax credits requested.

104 g. The number of net new jobs the project will create
105 in the state.

106 h. The amount of overall project financing for which
107 the applicant has firm, secured commitments prior to
108 submitting its application.

109 (2) Included in the information to be required for the
110 evaluation submitted in the application of any project shall
111 be any additional tax credits or state, federal, or local
112 government grants that the applicant expects to utilize for



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113 the construction of the project.

114 (3) The committee shall establish a minimum threshold
115 that a project must exceed before the project may be funded by
116 the committee.

117 (c) The committee may meet in person, remotely, or by
118 using a hybrid model where some members attend in person and
119 others attend remotely, pursuant to Section 36-25A-5.1."

120 "§41-1-93

121 Nothing in this article:

122 (1) Prevents student, staff, or faculty organizations
123 or associations from hosting diversity, equity, and inclusion
124 programs or discussions that may involve divisive concepts,
125 provided that no state funds are used to sponsor these
126 programs. If a student, staff, or faculty organization or
127 association hosts an event pursuant to this subdivision, it
128 shall identify the sponsor of the event at the event and in
129 any advertisements relating to the event.

130 (2) Prevents an employee or a contractor of a state
131 agency, local board of education, or public institution of
132 higher education who provides, as part of his or her job
133 duties, orientation, course work, or training from responding
134 to questions that are raised by participants in the
135 orientation, course work, or training and that pertain to
136 divisive concepts or diversity, equity, and inclusion.

137 (3)a. Prohibits a public institution of higher
138 education from providing any instruction or taking any action
139 in furtherance of satisfying any accreditation standard or
140 requirement.



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141 b. Prohibits a public institution of higher education
142 from authorizing the teaching or discussion of any divisive
143 concept in an objective manner and without endorsement as part
144 of a larger course of academic instruction, provided the
145 institution and its employees do not compel assent to any
146 divisive concept and otherwise comply with this article.

147 c. Prohibits the required collection or reporting of
148 demographic data by public institutions of higher education.

149 (4) Prohibits the teaching of topics or historical
150 events in a historically accurate context.

151 (5) Prohibits an institution of higher education from
152 performing research, collecting data, engaging in recruiting
153 and outreach programs, offering academic support services,
154 engaging in clinical trials, or providing medical, mental, or
155 any health care or clinical services targeted to support
156 individuals of any specific demographic.

157 (6) Prevents state agencies from promoting racial,
158 cultural, or ethnic diversity or inclusiveness, provided these
159 efforts are consistent with the requirements of this article.

160 (7) Prohibits a public institution of higher education
161 from providing space or ancillary services to any student or
162 employee on a non-discriminatory basis, including, but not
163 limited to, support and guidance to ensure compliance with
164 applicable university policies and laws, assistance with
165 security needs, and registration of events.

166 (8) Prohibits housing, athletic programming, or social
167 organizations that are segregated by sex. Each public
168 institution of higher education shall ensure that every



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169 multiple occupancy restroom be designated for use by
170 individuals based on their biological sex, as defined by
171 Section 16-1-54.

172 (9) May be construed to inhibit or violate the First
173 Amendment rights of any student or employee, or to undermine
174 the duty of a public institution of higher education to
175 protect, to the greatest degree, academic freedom,
176 intellectual diversity, and free expression.

177 (10) Shall be deemed to affect or revise any provision
178 in state law requiring that membership of a state board,
179 commission, or authority be inclusive and reflect the racial,
180 gender, geographic, urban, rural, and economic diversity of
181 the state, nor impact any public official appointed to a state
182 board, commission, or authority as of October 1, 2024.

183 (11) May be construed to affect or limit the activities
184 of the Alabama Office of ~~Minority Affairs~~Civic Engagement."

185 Section 3. This act shall become effective on October
186 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB200
Senate 03-Feb-26
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 26-Feb-26

By: Senator Smitherman